

ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of)
)
UNDER HIS DIRECTION, INC.)
)
Order to Show Cause Why the)
License for Station KUHD(AM))
Port Neches, Texas Should)
Not Be Revoked)
)
To: Hon. Edward Luton
Administrative Law Judge

MM Docket No. 96-70

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

PETITION FOR LEAVE TO INTERVENE

Vision Latina, Inc. ("Vision"), by its counsel and pursuant to Section 1.223(b) of the Commission's Rules, hereby submits its Petition for Leave to Intervene in the above-captioned proceeding. In support thereof, the following is stated:

By Order to Show Cause and Hearing Designation Order, DA 96-466, released April 1, 1996 ("Order"), the Mass Media Bureau directed Under His Direction, Inc. ("His Direction"), licensee of AM Station KUHD, Port Neches, Texas, to show why its license should not be revoked.¹ The Bureau premised its Order on Commission records which indicated that: (a) His Direction had been granted special temporary authority ("STA") permitting KUHD to remain silent until February 2, 1996, (b) His Direction's request for STA had alleged that it intended to file an application to transfer control of the station to another party which would restore service; and (c) the STA had expired and

¹The Bureau Order was published in the Federal Register on April 12, 1996 (61 F.R. 16251). The instant Petition therefore is timely filed pursuant to Section 1.223(b) of the Rules.

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neither a request to extend STA nor an application to assign or transfer control had been filed.

Vision is a Texas corporation which has been organized to acquire and operate Station KUHD. More specifically, Vision's principal shareholder, Eloy Castro, learned that His Direction's arrangement with a previously-proposed purchaser had foundered in January, 1996, and thereupon promptly reached an understanding with His Direction regarding the acquisition of its license, negotiated a purchase agreement with the third party owner of the station's equipment, negotiated a further purchase agreement with the owner of the station's transmitter site, organized and registered a new corporation to accomplish these arrangements and, on March 18, 1996, retained communications counsel to review and finalize these various agreements and to help prepare an assignment application to be filed with the Commission.

Vision therefore has an interest in this proceeding, because revocation of the KUHD license would frustrate its extensive prior efforts to acquire KUHD and restore broadcast service to the station's community and service area. Moreover, Vision has personal knowledge concerning the licensee's ongoing efforts to negotiate an agreement and file an assignment application with the Commission in order to promote the expeditious recommencement of service by the station. The public interest also would be served by Vision's participation, because the community of Port Neches, Texas, would lose its only local broadcast outlet if KUHD's license is revoked.

Vision also may assist the Commission in the determination of the specified issues, because is aware not only of the licensee's continuous efforts to reach an agreement which would restore service by the station, but also of the licensee's efforts to keep the Commission apprised of such efforts and to comply with the Commission's regulations. Thus, Vision has been advised in the course of its negotiations with Mark Peterson, President of His Direction, that Peterson had informally advised the FCC staff by telephone in January, 1996, that the initial arrangement to transfer its license had fallen through and that he was working on an agreement with another assignee (viz, Castro/Vision) which he hoped to file with the Commission in the near future.² Vision also will be able to support the credibility of what it understands will be the licensee's assertion that (a) the member of the FCC staff whom Peterson contacted advised him that any request to extend the STA should be accompanied by documentation showing that an agreement to assign the license had been reached and that the owners of the station's equipment and site had agreed in writing to make such equipment and site available to the proposed assignee, and (b) Peterson took this to mean that he could not file a request to extend PTA until after all of these agreements had been reduced to writing and executed.

²But for the issuance of the Order, an application for assignment of the KUHD license most likely would have been filed in early April, 1996.

In sum, Vision's participation in this proceeding will enable it to help preserve the KUHD license until it can acquire that license and restore service by the community's only local broadcast outlet. It also has personal knowledge of facts which will show that His Direction did not abandon its station or its efforts to find an assignee who would put the station back on the air. Finally, Vision is in a position to support a showing by the licensee that it attempted to apprise the Commission of the status of its efforts and that it inadvertently contravened the Commission's rules which required it to seek an extension of its authority to remain silent even if it was not quite ready to file an application to assign the license to Vision.

In view of the above, Vision respectfully submits that the instant Petition for Leave to Intervene should be granted.³

Respectfully submitted,

VISION LATINA, INC.

By: Eric S. Kravetz
Eric S. Kravetz

By: Scott C. Cinnamon
Scott C. Cinnamon esk

Its Counsel

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May 2, 1996

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³The Affidavit of Vision's President, Eloy Castro, who has knowledge of the facts set forth herein, is attached.

STATE OF TEXAS)
COUNTY OF ORANGE) :ss

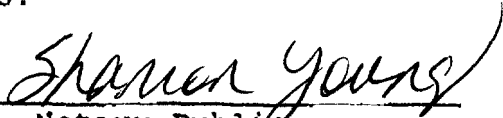
AFFIDAVIT

Eloy Castro, being first duly sworn, hereby states that he has reviewed the attached Petition for Leave to Intervene and that the facts set forth therein are accurate to the best of his knowledge and belief.

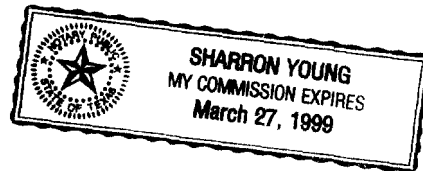

Eloy Castro

Sworn to and subscribed before me this 1st, day of May, 1996.

By:


Notary Public

My Commission Expires: 3/27/99

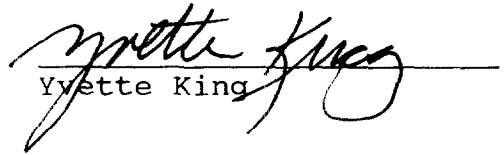


CERTIFICATE OF SERVICE

I, Yvette King, a secretary at the law firm of Brown Nietert & Kaufman, Chartered, do hereby certify that on this 2nd day of May, 1996, I have caused a true copy of the foregoing Petition For Leave To Intervene to be delivered by first-class U.S. Mail, postage prepaid to the persons named below:

Mark Peterson, President
Under His Direction, Inc.
Route 6, Box 979K
Beaumont, TX 77705

- * Robert Zauner, Esq.
Hearing Branch
Audio Services Division
Federal Communications Commission
2025 M Street, Room 7217
Washington, D.C. 20554
- * Honorable Edward Luton
Administrative Law Judge
Federal Communications Commission
2000 L Street, N.W., Room 225
Washington, D.C. 20554


Yvette King

- * Hand Delivery